

REMARKS

Applicants have received and reviewed the Office Action dated August 3, 2009. By way of response, Applicants have amended claims 1, 3 and 21. No new matter has been added. Claims 1 and 3-23 are currently pending. Claims 13-20 are withdrawn. Applicants submit that the amended and newly presented claims are supported by the specification as filed.

For the reasons presented below, Applicants respectfully submit that the amended and newly presented claims are in condition for allowance, and notification to that effect is earnestly solicited.

Rejection of Claims Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 3, 4, 6, 7, 10-12 and 21-23 under 35 U.S.C. § 102(b) as anticipated by Hock, WO 01/21198. Applicants respectfully traverse this rejection.

Amended claim 1 recites "A method of ameliorating pain in an individual suffering from pain". The Hock reference does not include the word "pain" and relates to reducing the risk of certain cancers, not treating patients suffering from cancer. Thus, the patient population for the presently claimed method is different from that disclosed by the Hock reference. Further, a reference that does not include the word "pain" cannot teach or suggest a method of ameliorating pain.

Accordingly, based on the foregoing differences, Applicants submit that the cited reference neither teaches nor suggests the presently claimed methods, and withdrawal of this rejection is earnestly solicited.

Rejection of Claims Under 35 U.S.C. § 103(a)

The Examiner rejected claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as obvious over Hock, WO 01/21198, in view of McKenna et al., 1966. Applicants respectfully traverse this rejection.

Amended claim 1 recites "A method of ameliorating pain in an individual suffering from pain" including administering "a parathyroid hormone receptor agonist". The Hock reference does not include the word "pain" and relates to reducing the risk of certain cancers, e.g., breast

carcinoma, skin carcinoma, bladder carcinoma, and gastric carcinoma. The McKenna et al. reference discusses bone cancers and is silent regarding parathyroid hormone. These references relate to different disorders and nothing in them suggests combining them. Further, a reference that is silent regarding pain combined with a reference that is silent regarding parathyroid hormone receptor agonists cannot teach or suggest a method of ameliorating pain that includes administering a parathyroid hormone receptor agonist.

Accordingly, based on the foregoing differences, Applicants submit that the cited references neither teach nor suggest the presently claimed methods, and withdrawal of this rejection is earnestly solicited.

Claim Objections

The Examiner objected to claims 3 and 21 for minor informalities, and these claims have been amended to overcome these objections. Applicants respectfully request withdrawal of the objections.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate.


Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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3 Dec '09


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